

**7323. Adulteration and misbranding of tomato catsup. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$250.** (F. D. C. No. 11400. Sample Nos. 8339-F, 40972-F, 41117-F, 43825-F, 62471-F.)

**INFORMATION FILED:** August 17, 1944, Southern District of Indiana, against the Frazier Packing Corporation, Elwood, Ind.

**ALLEGED SHIPMENT:** From on or about September 18 to October 21, 1943, from the State of Indiana into the States of Minnesota, Texas, Louisiana, Missouri, and Arkansas.

**LABEL, IN PART:** "Frazier's \* \* \* Tomato Catsup," or "Frazier's \* \* \* Superfine \* \* \* Tomato Catsup"; (portion of "Superfine" brand) "All Products Bearing This Label Are Guaranteed To Comply With The Pure Food Laws."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the name "Superfine Tomato Catsup," and the statement, "All Products Bearing This Label are Guaranteed to Comply with the Pure Food Laws," on the labels of portions of the product, were false and misleading as applied to the article, which contained decomposed material and which did not comply with the Federal Food, Drug, and Cosmetic Act.

**DISPOSITION:** October 28, 1944. A plea of guilty having been entered on behalf of the corporation, a fine of \$250 was imposed.

**7324. Adulteration of tomato catsup. U. S. v. Vincennes Packing Corporation. Plea of guilty. Fine, \$150 and costs.** (F. D. C. No. 12516. Sample No. 4151-F.)

**INFORMATION FILED:** September 29, 1944, Southern District of Indiana, against the Vincennes Packing Corporation, Vincennes, Ind.

**ALLEGED SHIPMENT:** On or about October 23, 1943, from the State of Indiana into the State of Ohio.

**LABEL, IN PART:** "Alice of Old Vincennes \* \* \* Tomato Catsup."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 21, 1944. A plea of guilty having been entered, the defendant was fined \$150 and costs.

**7325. Adulteration of tomato catsup. U. S. v. 23 Cases of Tomato Catsup (and 3 other seizure actions against tomato catsup). Default decrees of condemnation and destruction.** (F. D. C. Nos. 14517, 14601, 14641, 14705. Sample Nos. 68783-F, 68798-F, 68799-F, 90540-F, 90561-F.)

**LIBELS FILED:** Between November 27 and December 11, 1944, Southern District of Ohio, Eastern District of Kentucky, and Northern District of Ohio.

**ALLEGED SHIPMENT:** Between on or about September 14 and November 13, 1944, by the Morgan Packing Co., Austin, Ind.

**PRODUCT:** Tomato catsup: 23 cases, each containing 6 cans, at Piqua, Ohio; 171 cases, and 75 cases, each containing 24 14-ounce bottles, at Pikeville and London, Ky., respectively; and 24 cases, each containing 6 cans, and 34 cases, each containing 24 14-ounce bottles, at Lima, Ohio.

**LABEL, IN PART:** (Cans) "Scott Co. Tomato Catsup Contents 7 Lbs. 2 Oz.," or "Jackson Brand Tomato Catsup Contents 7 Lbs. 3 Oz."; (bottles) "Jackson [or "Old Mammy's"] Brand Tomato Catsup."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** Between December 22, 1944, and January 6, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**7326. Adulteration of dill tomato pickles. U. S. v. 176 Cartons of Dill Tomato Pickles. Default decree of condemnation and destruction.** (F. D. C. No. 14337. Sample Nos. 52132-F, 52133-F.)

**LIBEL FILED:** October 30, 1944, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about March 17, 1944, by the Michigan Trading Co., from Detroit, Mich.

**PRODUCT:** 176 cartons, each containing 12 jars, of dill tomato pickles, at Somerville, Mass.

**LABEL, IN PART:** "Bond Pickle Co., Oconto, Wis. Bond's Dill Tomato Pickles."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### SPICES AND FLAVORS

**7327. Adulteration and misbranding of imitation lemon flavor. U. S. v. 12 Cases of Imitation Lemon Flavor. Default decree of destruction. (F. D. C. No. 12811. Sample No. 80642-F.)**

**LIBEL FILED:** On or about July 1, 1944, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about March 9, 1944, by the La Salle Manufacturing Co., from Chicago, Ill.

**PRODUCT:** 12 cases, each containing 24 bottles, of imitation lemon flavor, at Joplin, Mo.

**LABEL, IN PART:** (Bottles) "Cook's Pride Brand Imitation Lemon Flavor."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), a solution containing a trace of citral, and having little or no value as a flavoring, had been substituted in whole or in part for "Imitation Lemon Flavor"; and, Section 402 (b) (4), water had been added thereto so as to reduce its quality or strength.

Misbranding, Section 403 (a), the label statement, "Imitation Lemon Flavor," was false and misleading since the article contained so little flavoring principle that it was practically worthless for flavoring purposes.

**DISPOSITION:** September 1, 1944. No claimant having appeared, judgment was entered ordering the destruction of the product.

**7328. Misbranding of Mole Poblano (food product). U. S. v. 100 Cases of Mole Poblano. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14147. Sample No. 74344-F.)**

**LIBEL FILED:** October 31, 1944, Western District of Texas.

**ALLEGED SHIPMENT:** On or about October 12, 1944, by La Victoria Sales Co., from Los Angeles, Calif.

**PRODUCT:** 100 cases, each containing 24 jars, of Mole Poblano, at El Paso, Tex. This product was short-weight.

**VIOLATION CHARGED:** Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement, "Net Contents 3 Oz. Avoir.," was inaccurate.

**DISPOSITION:** December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**7329. Adulteration of nutmegs. U. S. v. 11 Bags and 16 Bags of Nutmegs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14549. Sample Nos. 68388-F, 68389-F.)**

**LIBEL FILED:** November 29, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 26 and 28, 1944, by Arthur G. Dunn, New York, N. Y.

**PRODUCT:** 27 200-pound bags of nutmegs, at Cleveland, Ohio.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy nutmegs.

**DISPOSITION:** December 26, 1944. Only 11 bags having been seized, and the Euclid Coffee Co., Cleveland, Ohio, claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned in order to eliminate all unfit material, or if cleaning was impracticable, it was to be disposed of for distillation or purposes other than human consumption, under the supervision of the Food and Drug Administration.

**7330. Adulteration of poppy seed. U. S. v. 20 Bags of Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 13287. Sample No. 72083-F.)**

**LIBEL FILED:** August 21, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 21, 1940, by William G. Scarlett and Co., from Baltimore, Md.